

At the conference, the Court also addressed Zirijs's Motion for Appointment of Counsel [#11]. The Court will deny Zirijs's request for counsel at this time but without prejudice to refiling such a motion if this case proceeds to trial.

There is no automatic right to the appointment of counsel in a civil lawsuit. *Cupit v. Jones*, 835 F.2d 82, 86 (5th Cir. 1987). Rather, a district court has discretion to appoint counsel based on the type and complexity of the case presented and the abilities of the individual pursuing it. *Id.*; *Jackson v. Dallas Police Dep't*, 811 F.2d 260, 261 (5th Cir. 1986). A district court is not required to appoint counsel in the absence of "exceptional circumstances" indicating it would be an abuse of discretion not to do so. *Cupit*, 835 F.2d at 86.

Zirijs has not demonstrated that exceptional circumstances are present in his case or that, based on the record, appointment of counsel is appropriate due to the nature of this case and his relative abilities to present his claims in this Court. In fact, Zirijs has demonstrated an ability to represent himself and his interests beyond the capabilities of some licensed attorneys practicing in this Court. Accordingly, the appointment of counsel is not warranted at this time. If this case proceeds to trial, Zirijs may file a motion for the appointment of trial counsel.

IT IS THEREFORE ORDERED that Zirijs's Motion for Appointment of Counsel [#11] is **DENIED**.

IT IS FURTHER ORDERED that Zirijs file an advisory indicating why he did not appear at the scheduled conference and whether he had any issues with TDCJ in attempting to contact the Court on or before **September 12, 2019**.

IT IS SO ORDERED.

SIGNED this 30th day of August, 2019.



ELIZABETH S. ("BETSY") CHESTNEY
UNITED STATES MAGISTRATE JUDGE